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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,212	06/12/2002	Martin Bergenwall	4925-213PUS	9398

27799 7590 08/10/2006

COHEN, PONTANI, LIEBERMAN & PAVANE
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SUITE 1210
NEW YORK, NY 10176

EXAMINER

HAMANN, JORDAN J

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,212

Applicant(s)

BERGENWALL ET AL.

Examiner

Jordan Hamann

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/28/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2 & 7 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for notifying and requesting instructions from either the internal entity or external entity (page 9 lines 22-30), does not reasonably provide enablement for notifying and requesting instructions from both the internal entity and external entity. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The instructions are the same whether requested from the internal entity or external entity.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6 & 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 5,745,488) in view of Carr et al. (US 6,600,744 B1).

With respect to claims 1 & 3, Thompson et al. (US 5,745,488) discloses an packet classifier comprising: storage means for storing a pre-defined list of rules for detecting special data packets (column 2 lines 37-59); detecting means for detecting special data packets in the received plurality of data packets on the basis of the pre-defined list of rules stored in said storing means (Figure 5 Element 48 and column 4 lines 11-26); and routing means for routing the special data packets (Figure 5 Element 54), characterized by an internal entity for storing instructions for the special data packets (column 4 lines 30-35), wherein an external entity is arranged to determine and update the instructions and rules stored in said internal entity during active operations (column 5 line 55 – column 6 line 5).

Thompson discloses the instructions being sent to the routing means, but does not expressly disclose the routing means requesting instructions from internal entity.

Carr et al. (US 6,600,744 B1) discloses a packet classifier wherein a processor requests instructions for detected special data packets (Figure 1 Elements 80 & 90 and column 4 line 58 – column 5 line 5).

It would have been obvious to use the packet classifier of Carr in the packet classifier of Thompson.

The motivation for doing so would have been to detect a packet that may have more than one special status and use the prioritized rule for routing.

With respect to claim 5, Carr discloses rules may determine a billing class for the packet (column 3 lines 10-13). It would be obvious for the packet classifier to communicate with an external charging entity to maintain billing information for packets.

With respect to claim 4, it would have been obvious to modify the packets for purposes of network address translation (NAT), encryption as disclosed by Caronni et al. (US 6,507,908 B1), or lawful interception as disclosed by Dikman (US 6,577,865 B2).

With respect to claims 11-15, Carr and Thompson disclose the packet classifier as part of a data communication system.

With respect to claims 6 & 8-10, the method claims are interpreted and rejected for the same reason as set forth in the apparatus claims 1, & 3-5, respectively.

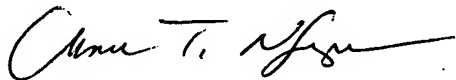
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Hamann whose telephone number is (571) 272-8564. The examiner can normally be reached on Monday-Thursday 8:30-5:30 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJH



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